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Applicant: Roland De Le Mettrie et al.

Appl. No.: 09/832,877

Filing Date: April 12, 2001

Title: OXIDIZING COMPOSITION AND USES FOR DYEING, FOR PERMANENTLY
RESHAPING OR FOR BLEACHING KERATIN FIBRES

Attorney Docket No.: 05725.0407-01

Pub. No.: US 2001/0049849 A1

Pub. Date: December 13, 2001

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on February 8, 2002 for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

A patent application publication is based on the application papers as originally filed, according to 37 CFR 1.215(a), which says the following, in part:

(a) . . . The patent application publication will be based upon the application papers deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application . . . The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of this section.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records." The instant request includes mistakes that are not the fault of the Office, which will not be corrected by a corrected publication made by the Office:

Error no. 2, applicant states that the published application recites

[0043] --N^{+(R')3A-},

[0044] --N^{+(R')2(H)A-},

[0045] --N^{+(R')(H)2A-},

[0046] --N(R')--CH₂--CH₂--N^{61(R')(H)2A-}

wherein it should recite

[0043] --N^{+(R')3A-},

[0044] ---N⁺(R')₂(H)A⁻,

[0045] ---N⁺(R')(H)₂A⁻,

[0046] --N(R)--CH₂-CH₂--N⁺(R')(H)₂A⁻.

Page 8 of the application as originally filed shows

[0043] --N^{+(R)3A-},

[0044] --N^{+(R')2(H)A-},

[0045] --N^{+(R')(H)2A-},

[0046] --N(R')--CH₂-CH₂--N^{+(R')(H)2A-}.

Error no. 10, applicant states that claim 8 of the published application cites:

-N^{+(R)3A-},

-N^{+(R')2(H)A-},

-N^{+(R')(H)2A-},

-N(R)--CH₂-CH₂--N^{+(R')(H)2A-}

wherein it should recite

-N^{+(R')3A-},

-N^{+(R')2(H)A-},

-N^{+(R')(H)2A-},

-N(R)--CH₂-CH₂--N^{+(R')(H)2A-}.

Claim 8 of the application as originally filed shows

-N^{+(R)3A-},

-N^{+(R')2(H)A-},

-N^{+(R')(H)2A-},

-N(R')--CH₂-CH₂--N^{+(R')(H)2A-}.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be addressed as follows:

By mail to: Box PGPUB
Commissioner for Patents
Washington DC 20231

By facsimile: 703-305-8568

Inquiries relating to this matter may be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Phil O. Pault

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy